

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOO HWANG KIM,

Plaintiff,

Case No. 1:14-cv-1053

v

HON. JANET T. NEFF

AMERICAN CAMPUS  
COMMUNITIES, *et al.*,

Defendants.

---

**OPINION AND ORDER**

Plaintiff, proceeding pro se, filed this lawsuit in September 2014 against American Campus Communities and various unknown Defendants, alleging (1) Discrimination, (2) Breach of Contract and (3) Damages arising from his August 26, 2013 apartment lease (Compl., Dkt 1). The case was referred to the Magistrate Judge (Dkt 7), who conducted an initial review of the Complaint pursuant to 28 U.S.C. § 1915(e)(2) to determine whether it is frivolous, malicious, or fails to state a claim upon which relief can be granted. The Magistrate Judge issued a Report and Recommendation (R&R, Dkt 8), recommending that this Court dismiss Plaintiff's complaint for failure to state a claim upon which relief may be granted. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation (Dkt 10).

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court determines that the Magistrate Judge carefully and thoroughly considered Plaintiff's Complaint and attached exhibits in light of the law governing his

claims. Plaintiff asserts that the Magistrate Judge “misinterpreted” his claims; neglected to acknowledge Defendants’ “continued acts of negligence, harassment and discrimination;” and failed to allot “sufficient time for further motions and claims” (Objs., Dkt 10). However, Plaintiff proffers no argument that would warrant rejecting the Magistrate Judge’s determination that the complaint alleged “essentially a landlord-tenant dispute” and that “the facts alleged in the Complaint, even if accepted as true, fail to rise to the standards of *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), to state a claim upon which relief may be granted in this court” (R&R, Dkt 8 at 3). For the reasons stated in the Report and Recommendation, the Court agrees that the Complaint is properly dismissed for failure to state a claim. Accordingly, the Court will adopt the Magistrate Judge’s Report and Recommendation as the Opinion of this Court and enter a Judgment consistent with this Opinion and Order. *See* FED. R. CIV. P. 58.

**THEREFORE, IT IS ORDERED** that the Objections (Dkt 10) are DENIED, and the Report and Recommendation (Dkt 8) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff’s Complaint (Dkt 1) is DISMISSED.

Dated: July 7, 2015

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge